

CHAPTER 20

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PART 1

MUNICIPAL WASTE COLLECTION AND DISPOSAL

A. Definitions.

§20-101. Definitions.

For the purposes of this Part 1:

ACT 101 — the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 556.

BOROUGH — the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH COLLECTOR — that individual, partnership, firm, corporation or business entity designated by the Borough Council by means of an independent contract as the person having the exclusive right to collect refuse within the Borough, but shall not be construed as meaning that said person is an employee, official or representative of the Borough.

BREEDING AREA — any condition which provides the necessary environment for the birth or hatching of vectors.

COMMERCIAL CUSTOMER — any customer, other than a residential customer, whether a commercial, institutional or municipal establishment or a multi-dwelling unit, normally requiring more than three thirty-two-gallon containers per week to hold the refuse to be collected.

COMMERCIAL ESTABLISHMENT — the use of any premises as other than a dwelling, and shall include but not limited to hotels, boarding- and lodging houses, tourist cabins, motels and trailers. “Commercial establishment” shall also include any multifamily residences occupied by more than two families normally requiring more than three thirty-two-gallon containers per week.

COMPOSTING — a microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.

CO-COMPOSTING FACILITY — the co-composting facility to be constructed and operated by or on behalf of, or under agreement with, the county and designated as a disposal facility in the County’s Solid Waste Management Plan.

CONTAINER — the receptacle in which refuse is placed for collection, including cans, boxes and plastic bags; provided, however, that they are so constructed so as to be fit for permanent use or, in the case of bags, for one-time use. Such containers, when filled, shall not weigh more than 75 pounds nor exceed in volume 32 gallons.

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COUNTY — the County of Adams, Commonwealth of Pennsylvania.

DWELLING — a building used for residential purposes, but shall not include hotels, boarding- and lodging houses, tourist cabins, motels and trailers, which are considered commercial establishments. “Dwelling” also shall not include more than two attached dwelling units.

DWELLING UNIT — one or more rooms in a dwelling, which room or rooms have fixed cooking facilities and are arranged for occupancy by one person, two or more persons living together, or one family.

EXTERMINATION — the control and elimination of vectors by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, fogging, larviciding, trapping or by any other recognized and legal vector control elimination methods approved by the local or state authority having such administrative jurisdiction.

HARBORAGE — any place where vectors can live, nest or seek shelter.

HAZARDOUS WASTE — any waste which, by mixture of its quantity or content, presents a hazard to the individuals handling it, a hazard to public health or a source of potential pollution to the air or waters of the Commonwealth of Pennsylvania or which makes land unfit or undesirable for normal use, including but not limited to herbicides, explosives, pathological wastes, radioactive materials and any materials defined as hazardous wastes by federal or state law or regulations.

INFECTIOUS WASTE — municipal waste which, unless processed, disposed of, stored, collected or transported in accordance with this Part, is or may be contaminated by a disease-producing microorganism or material or may harm or threaten human health. The term includes the following wastes, unless they are generated by individual residences:

- (1) Wastes generated by hospitalized patients who are isolated or on blood and body fluid precautions, in order to protect others from their severe and communicable disease.
- (2) Cultures and stocks of etiologic agents.
- (3) Animal waste blood and animal products which are known or are suspected to contain contagious zoonotic pathogens and all human waste blood and blood products.
- (4) Tissues, organs, body parts, blood, fetal remains and body fluids that are removed during surgery and autopsy.
- (5) Wastes generated by surgery or autopsy of septic cases or patients with infectious disease.

- (6) Wastes that were in contact with pathogens in any type of laboratory work.
- (7) Sharps.
- (8) Wastes that were in contact with blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- (9) Carcasses and body parts of animals exposed to contagious zoonotic pathogens.

INSTITUTIONAL ESTABLISHMENT — those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools and universities.

LEAF WASTE — leaves from trees, bushes and other plants. Garden residues and tree trimmings shall also be considered leaf waste, but grass clippings shall not be included in this definition.

MUNICIPAL WASTE — garbage, rubbish, refuse, ashes, debris, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and any sludge not meeting the definition of “residual waste” or “hazardous waste” under, 25 Pa.Code §27.1 from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air-pollution control facility. This term does not include source-separated recyclable material, residual waste or hazardous waste. The following materials are considered municipal waste:

- (1) Ashes, consisting of the residue from the burning of coal, wood, paper or other combustible material.
- (2) Debris, consisting of stones, brick, plaster, broken concrete or earth, in such quantity and size as shall not violate the restriction hereinafter set forth with the respect to the size and weight of containers.
- (3) Garbage, consisting of all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.
- (4) Rubbish, consisting of all solid household wastes, garbage, ashes, yard waste and debris, except body wastes, other than recyclable materials (defined herein), such as glass other than containers, ceramics, plastics other than beverage containers and laundry detergent containers, small scraps of wood, etc.

PERSON — any individual person, firm, partnership, association, corporation, company or organization of any kind.

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RECYCLABLE MATERIALS — these materials which may be processed or refabricated for reuse and which are specified by the Borough and the county for separation from the regular municipal waste. Such materials may include but are not limited to aluminum cans, bi-metal or tin containers, clear and colored glass containers, corrugated paper, newspapers and plastic containers and any other items selected by the Borough or specified in future revisions to Act 101. Recyclable materials selected by the Borough may be revised from time to time as deemed necessary by the Borough.

RECYCLING — the collection, separation, recovery and sale or reuse of recyclable materials which would otherwise be disposed of or processed as municipal waste.

RESIDENTIAL CUSTOMER — any customer, whether a commercial establishment, dwelling or dwelling unit or a special event, normally requiring three or fewer thirty-two-gallon containers per week to hold the municipal waste to be collected.

RESIDENTIAL WASTE — that portion of municipal waste comprised of garbage, rubbish and refuse which normally originates from residential private households or apartment households.

VECTOR — a rodent, arthropod or insect capable of transmitting a disease or infections. Vectors shall include but not be limited to rats, mosquitoes, cockroaches, flies, and ticks.

(Ord. 1240-00, 6/12/2000, §101)

B. Municipal Waste Containers Unlawful Accumulation and Deposit of Municipal Waste.

§20-102. Standards and Regulations for Storage Prior to Collection.

Each person shall provide sufficient approved containers for receiving and holding municipal waste for collection. Containers shall be kept in a sanitary condition at all times, so as not to create odors or attract vermin. Containers shall have a tight-fitting cover, be watertight and flyproof and be able to be carried easily by the collector. When mechanical bins or detachable containers are in use, they shall be easily accessible to the collection vehicle. Exception: those customers presently enrolled in the per-bag option offered by the Borough collector. Those persons presently enrolled in the per-bag option shall keep all bags securely tied to prevent waste and odors from escaping. The bags shall be placed out for collection as described in §20-105 of this Part.

(Ord. 1240-00, 6/12/2000, §102)

§20-103. Maintenance of Containers Other than Bags.

Containers shall be of durable, watertight, rust-resistant material having a close-fitting lid and handles to facilitate collection. All containers shall be kept in good and sanitary condition without the accumulation of residue of liquids, solids or a combination of such material on the bottom or sides of the container. No more water shall be allowed or permitted in garbage than naturally accumulates from table refuse. They shall not be overfilled so as to endanger fouling of highway from wind, jolting or other causes and shall be cleaned at sufficiently frequent intervals to prevent any nuisances from odors and vectors. Any container that does not conform with this Part or that is likely to injure the Borough collector or his employees or hamper the prompt collection of municipal waste shall be replaced upon notice.

(Ord. 1240-00, 6/12/2000, §103)

§20-104. Only Municipal Waste to be Placed in Containers; Covering and Cleaning.

It shall be unlawful for any person to allow any lead acid batteries, hazardous waste or infectious waste to be placed in any container used for municipal waste. Containers for municipal waste shall be used only for municipal waste as hereinbefore defined. After a container is emptied, it shall be cleaned by the occupant or proprietor as aforesaid to prevent odors and the attraction of vectors.

- A. All infectious wastes and chemotherapeutic wastes generated in or by any medical facility, hospital, clinic, doctor's office, dentist office, mortuary facility, morgue or in-home dialysis provider shall be stored separately from municipal waste, in containers clearly marked as infectious waste, chemotherapeutic waste or biological hazard, in a manner to prevent unauthorized access. All sharps shall be rendered nonusable and disposed of in puncture-resistant containers. Storage, transportation, sterilization and disposal shall be in accordance with the requirements of Pennsylvania Department of Environmental Protection.
- B. All residential-generated sharps and other infectious wastes shall be placed in a hard, clear plastic container with a tight-fitting lid and be sealed with tape. Glass, metal cans, opaque plastic or other containers are not permitted. Any container used for the disposal of residential generated sharps or other infectious wastes is prohibited from being commingled with source-separated recyclable materials. These containers shall be disposed with municipal waste.

(Ord. 1240-00, 6/12/2000, §104)

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§20-105. Placement of Containers for Collection.

Containers for municipal waste shall not be kept in front of the building on the premises where the municipal waste is accumulated but shall be kept to the rear thereof at a location conveniently accessible to the Borough collector from the alley if the premises are bounded by an alley. If the premises are not bounded by an alley, then the occupant or proprietor shall place such containers for collection at a location readily accessible to the collector from the street adjoining the premises not more than 12 hours prior to the scheduled time of collection and shall remove the same to the place where such containers are kept within 12 hours after collection has taken place. Except as permitted hereby for collection from the street, containers shall at no time be placed in front of any building or upon any sidewalk, street or other public place, and then only if it is impossible to place the same at a location otherwise permitted hereunder. All tree trimmings, hedge clippings or similar yard waste shall be cut in lengths not exceeding three feet and shall be securely tied in bundles not exceeding 75 pounds in weight.

(Ord. 1240-00, 6/12/2000, §105)

§20-106. Dumping or Accumulation Unlawful.

No municipal waste shall be allowed to accumulate on the ground nor be deposited on any private or public property within the Borough nor be deposited into any stream or other body of water. Further, no person shall deposit municipal waste into any container within the Borough not owned by such person or not located on property owned or occupied by such person without the consent of the owner of that container or the owner of that property, as the case may be. It shall also be unlawful for any person to store or permit to be stored any abandoned or junked motor vehicle outside of a completely enclosed building or garage for a period of longer than seven days.

(Ord. 1240-00, 6/12/2000, §106)

C. Collection.

§20-111. Collection Schedule.

Municipal waste shall be collected at least once a week throughout the year for every residential and commercial customer. Commercial customers and special events coordinators must arrange with the Borough collector for additional pickups as necessary to keep the containers emptied and clean to avoid the accumulation of refuse on the property. The Code Enforcement Officer shall be authorized to order additional pickups in his/her sole discretion to ensure compliance with §20-106 of this Part, at the expense of the customer.

(Ord. 1240-00, 6/12/2000, §111)

§20-112. Hours of Collection.

Municipal waste shall be collected from premises between the hours of 7:00 a.m. and 6:00 p.m., except as otherwise provided hereinafter.

(Ord. 1240-00, 6/12/2000, §112)

§20-113. Manner of Emptying Containers.

The containers shall be emptied in a cleanly manner so as not to foul the surrounding premises or any Borough street or alley or to allow scattering of waste by the wind.

(Ord. 1240-00, 6/12/2000, §113)

§20-114. Mandatory Municipal Waste Collection.

- A. It shall be mandatory for every dwelling, dwelling unit, commercial establishment and institutional establishment within the Borough to have its municipal waste collected in accordance with the schedule set forth in §20-111 of this Part. Said municipal waste collection shall be completed by the Borough collector unless otherwise authorized by the Borough, and the customer (residential, commercial or industrial) shall be responsible for the payment of all costs and fees of said collection in accordance with this Part. It shall be mandatory for every commercial establishment within the Borough to have its municipal waste collected at least once per week, or more often if necessary, in accordance with the schedule set forth in §20-111.
- B. Any person who does not contract with the Borough collector for municipal waste collection and disposal from a property within the Borough shall keep and maintain records of municipal waste collection and disposal from such property for a minimum period of two years in order to confirm compliance with the provisions of this Part.

(Ord. 1240-00, 6/12/2000, §114; as amended by Ord. 1360-09, 3/9/2009, §1)

§20-115. Collection by Unauthorized Personnel Unlawful.

It shall be unlawful for any person other than the Borough collector, unless otherwise authorized by the Borough, to collect and haul municipal waste within or from the Borough. No person may contract with any hauler of municipal waste unless such hauler is authorized to collect municipal waste within the Borough pursuant to this Part.

(Ord. 1240-00, 6/12/2000, §115)

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§20-116. Fees for Municipal Waste Collection.

1. Fees for Residential Customers.
 - A. The fees for collection and disposal of municipal waste and collection of recyclable materials from residential customers shall be at such rates as established by the Borough Council.
 - B. The fees set forth herein shall be billed and collected by the Borough collector. Such fees shall be billed not less often than quarterly. The fee for municipal waste disposal shall be the responsibility of the dwelling unit owner; and, in the event of a transfer of ownership, all unsettled charges shall become the responsibility of the new owner.
 - C. Any dwelling unit which is totally unoccupied and which generates no municipal waste or recycled materials for an entire quarter shall be exonerated from the charges herein levied. Such exoneration shall be made only after the owner has filed an affidavit certifying to such vacancy on a form provided by the Borough. No such exoneration shall be made on the basis of vacancies of less than or other than full quarters.
2. Fees for Commercial Customers.
 - A. The fees for collection and disposal of municipal waste from commercial customers shall be at a rate as established by the Borough Council.
 - B. The fees set for collection of municipal waste of commercial customers shall be paid by the owner, tenant, lessee or occupant of the premises no less often than monthly. Said fees are the ultimate responsibility of the owner of the property. Should the property change ownership, unsettled charges shall become the responsibility of the new owner.

(Ord. 1240-00, 6/12/2000, §116)

§20-117. Requirement of County Municipal Waste Hauling License.

The Borough collector shall be licensed as a municipal waste hauler by the County of Adams prior to engaging in the collection of municipal waste in the Borough. The Borough collector shall provide the Borough a copy of its Adams County municipal waste-hauling license.

(Ord. 1240-00, 6/12/2000, §117)

D. Transportation.

§20-121. Collection Vehicles for Transporting Municipal Waste.

Any collection vehicle used for the transportation of municipal waste in the Borough shall be of substantial construction, watertight and provided with covers which shall be closed at all times, except when municipal waste is being placed therein. Collection vehicles for transporting municipal waste shall be of such a character as to prevent leakage. Any such collection vehicle shall not be overfilled so as to permit any spillage and shall be properly cleaned at such intervals to prevent any nuisances from odors.

(Ord. 1240-00, 6/12/2000, §121)

E. Enforcement and Penalties.

§20-131. Enforcement.

It shall be the duty of the Code Enforcement Officer to enforce this Part and to secure compliance with the requirements thereof.

(Ord. 1240-00, 6/12/2000, §131)

§20-132. Additional Rules and Regulations Authorized.

The Borough Council is hereby authorized to make such rules and regulations for the proper enforcement of this Part as the Council shall deem advisable.

(Ord. 1240-00, 6/12/2000, §132)

§20-133. Penalties and Remedies.

1. Any person violating any of the provisions of this Part shall, upon conviction therefor, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 and costs of prosecution and, in default thereof, to suffer imprisonment for not more than 30 days. A separate offense shall be deemed committed on each period of 10 days during which a violation of this Part continues.
2. In addition to the foregoing penalty, the Borough may require the owner or occupier of the property to remove any accumulation of municipal waste or abandoned or junked vehicle and manifest the proper disposal thereof; and should said person fail to remove the same within 10 days of written notice, the Borough may cause the same to be done and collect the costs thereof, together with a penalty of 10%, of such costs, in any manner provided by law.

(Ord. 1240-00, 6/12/2000, §133)

PART 2

RECYCLING

A. Recycling Ordinance.

§20-201. Short Title.

The short title of this Part shall be the "Borough of Gettysburg Recycling Ordinance," and the same may be cited in that manner. This Part is an ordinance of the Borough of Gettysburg, Adams County, Pennsylvania, establishing a program for recycling, including mandatory source separation and separate collection of designated recyclable materials; providing for the regulation of collectors; prohibiting the disposal of designated recyclable materials and leaf waste with municipal waste; prohibiting the burning of designated recyclables and leaf waste; empowering the Borough of Gettysburg to adopt and promulgate reasonable regulations thereof; and fixing penalties for violation of this Part. It contains regulations applicable to collectors of recyclables, individuals, commercial, municipal and institutional establishments, and community activities.

(Ord. 1240-00, 6/12/2000, §201; as amended by Ord. 1357-08, 12/8/2008)

§20-202. Definitions.

The following words and phrases used throughout this Part shall have the following meanings:

ACT 101 — the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, P.L. 101, as amended.¹

AGENT OF THE BOROUGH — a collector authorized by the Borough by means of the issuance of a permit to collect recyclable materials from residential, commercial, municipal and institutional establishments within the Borough.

ALUMINUM CONTAINERS — empty beverage or food cans made entirely of aluminum.

AUTHORIZED AGENT OF THE BOROUGH — a collector contracted with the Borough to collect recyclable materials from residential, commercial, municipal and institutional establishments.

BI-METAL CONTAINERS — empty food or beverage containers consisting of steel and aluminum.

BOROUGH — the Borough of Gettysburg, Adams County, Pennsylvania.

¹ Editor's Note: See 53 P.S. §4000.101 et seq.

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BOROUGH COLLECTOR — an individual, partnership, firm, corporation or business entity designated as a collector by the Borough Council by means of an independent contract to collect recyclable materials within the Borough, but it shall not be construed as meaning that said person is an employee, official or representative of the Borough.

BOROUGH COUNCIL — the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

COMMERCIAL ESTABLISHMENTS — the use of any premises as other than a dwelling, and shall include hotels, boarding- and lodging houses, tourist cabins, motels and trailers. The term "commercial establishment" shall also include any multifamily residences occupied by more than three families.

COMMUNITY ACTIVITIES — events sponsored in whole or in part by the Borough, or conducted within the Borough and sponsored privately, which include but are not limited to fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more individuals per day.

COMPOSTING — the microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.

CORRUGATED PAPER — structural paper material with an inner core shaped in rigid parallel furrows and ridges.

FERROUS CONTAINERS — empty steel or tin-coated food or beverage containers.

GLASS CONTAINERS — bottles and jars made of clear, green, amber or brown glass. Expressly excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass, porcelain and ceramic products.

HAZARDOUS WASTE — any waste which, by mixture of its quantity or content, presents a hazard to the individuals handling it, a hazard to public health or a source of potential pollution to the air or waters of the Commonwealth of Pennsylvania or which makes land unfit or undesirable for normal use, including but not limited to herbicides, explosives, pathological wastes, radioactive materials and any materials defined as hazardous wastes by federal or state law or regulations.

HIGH-GRADE OFFICE PAPER — all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments.

INSTITUTIONAL ESTABLISHMENT — those facilities that house or serve groups of people, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools and universities.

INFECTIOUS WASTE — municipal waste which, unless processed, disposed of, stored, collected or transported in accordance with this Part, is or may be contaminated by a disease-producing microorganism or material or may harm or threaten human health. The term includes the following wastes, unless they are generated by individual residences:

- A. Wastes generated by hospitalized patients who are isolated, or on blood and body fluid precautions, in order to protect others from their severe and communicable disease.
- B. Cultures and stocks of etiologic agents.
- C. Animal waste blood and animal products which are known or are suspected to contain contagious zoonotic pathogens and all human waste blood and blood products.
- D. Tissues, organs, body parts, blood, fetal remains and body fluids that are removed during surgery and autopsy.
- E. Wastes generated by surgery or autopsy of septic cases or patients with infectious disease.
- F. Wastes that were in contact with pathogens in any type of laboratory work.
- G. Sharps.
- H. Wastes that were in contact with blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- I. Carcasses and body parts of animals exposed to contagious zoonotic pathogens.

LEAD ACID BATTERIES — includes but is not limited to automotive, truck and industrial batteries that contain lead.

LEAF WASTE — leaves, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.

MAGAZINES and PERIODICALS — printed matter containing miscellaneous written pieces, published at fixed or varying intervals.

MULTIFAMILY HOUSING PROPERTIES — any properties having three or more dwelling units per building.

MUNICIPAL ESTABLISHMENT — public facilities operated by the Borough and other governmental and quasi-governmental authorities.

MUNICIPALITY — the Borough of Gettysburg, Adams County, Pennsylvania.

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MUNICIPAL WASTE — garbage, rubbish, refuse, ashes, debris, industrial lunch-room or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments or from community activities and any sludge not meeting the definition of “residual waste” or “hazardous waste” under 25 Pa.Code §27.1, from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air-pollution control facility. This term does not include source-separated recyclable material, residual waste or hazardous waste.

NEWSPAPER — paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are newspapers which have been soiled, color comics and glossy advertising inserts printed in colors other than black and white which are often included with newspaper.

PERSON(S) — any individual, owner, lessee and occupant of a residence, commercial or institutional establishment, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

PLASTIC CONTAINERS — empty plastic food and beverage containers or detergent bottles. Due to the wide variety of types of plastics, the Borough may stipulate specific types of plastic which may be recycled.

RECYCLABLE MATERIALS — those materials that may be processed or refabricated for re-use and are specified by the Borough and the county for separation from municipal waste. Such materials may include but not be limited to aluminum cans, bimetal or tin containers, clear and colored glass containers, corrugated paper, newspapers and plastic containers and any other items designated by the Borough or as specified in future revisions to Act 101. Recyclable materials designated by the Borough may be revised from time to time as deemed necessary by the Borough.

RECYCLING — the collection, separation, recovery and sale or reuse of recyclable materials which would otherwise be disposed of or processed as municipal waste.

RECYCLING COORDINATOR — a person appointed by the Borough Manager to be a single point of contact, responsible for recycling planning, recycling data collection and reporting recycling program performance.

RESIDENCES — any occupied single- or two-family dwellings.

RESIDENTIAL CUSTOMER — any customer, whether a commercial establishment, dwelling or dwelling unit or a special event, normally requiring fewer than

three thirty-two-gallon containers per week to hold municipal waste to be collected.

SOURCE-SEPARATED RECYCLABLE MATERIALS — those materials separated at the point of origin for the purpose of being recycled.

TRANSPORTATION — removal from any site or location of any recyclable materials at any time after generation thereof.

WASTE — a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source-separated recyclable materials or material approved by the Pennsylvania Department of Environmental Protection for beneficial use.

(Ord. 1240-00, 6/12/2000, §202; as amended by Ord. 1357-08, 12/8/2008)

§20-203. Establishment of Program; Grant of Power.

1. The Borough hereby establishes a recycling program for the mandatory separation and collection of recyclable materials and the separation, collection and composting of leaf waste from all residences and all commercial, municipal and institutional establishments, and community activities located in the Borough. Collection of the recyclable materials shall be made weekly by a Borough collector or an authorized agent of the Borough. The recycling program shall also contain a sustained public information and education program.
2. The Borough Council is empowered to adopt by resolution specific program regulations from time to time as it deems necessary pursuant to §20-210 of this Part.

(Ord. 1240-00, 6/12/2000, §203; as amended by Ord. 1357-08, 12/8/2008)

§20-204. Lead Acid Batteries, Hazardous Waste and Infectious Waste.

Disposal by persons of lead acid batteries, hazardous waste or infectious waste with source-separated recyclable materials is prohibited and shall be a violation of this Part.

(Ord. 1240-00, 6/12/2000, §204)

§20-205. Separation and Collection.

1. All persons who are residents of the Borough shall separate any recyclable materials designated by the Borough from any municipal waste produced at their homes, apartments and other residential establishments, shall store such materials for collection and shall place same for collection in accordance with the guidelines established hereunder.

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- A. All residential customers must separate recyclable materials from municipal waste. Recyclable materials shall be placed for collection at the location where municipal waste is placed for collection, in distinctive containers available from the Borough, the Borough collector or any authorized agent of the Borough or other containers approved by the Borough, its collector or an authorized agent of the Borough. Recycling bins obtained from the Borough shall remain the property of the Borough.
 - B. An owner, landlord, manager or agent of an owner, landlord or manager of a multifamily housing property with more than three units may comply with its recycling responsibilities by establishing a collection system at such property. The collection system must include suitable containers for collecting and sorting the recyclable materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system.
2. All persons must separate leaf waste from other municipal waste generated at their homes, apartments and other residential establishments, as well as all persons who are responsible for administration of multifamily housing properties, commercial, municipal and institutional establishments, until collection for the purposes of composting, unless those persons have otherwise provided for the composting of leaf waste. Leaf waste shall be placed for collection at the times and in the manner hereafter prescribed by the Borough. Nothing herein shall require any person to gather leaves for compost, mulch, or other agricultural, horticultural, silvicultural, and gardening or landscaping purpose. Nothing herein shall prevent any person from utilizing leaf waste for compost, mulch or other horticultural purposes.
3. Persons must separate high-grade office paper, aluminum cans, corrugated paper, leaf waste and such other materials as may be designated by the Borough generated at commercial, municipal and institutional establishments and from community activities and store such recyclable materials until collection.
4. All employees, users (patrons) and residents of commercial, municipal and institutional establishments must be informed of the recycling program. The education program should describe the program's features and requirements and should include, at a minimum, an annual program meeting and an orientation to the program upon the arrival of a new employee or resident. Receptacles should be clearly marked with the recycling symbol and the type of recyclable material that is to be placed in the receptacle, and signs should be prominently displayed stating the requirements of the program.

(Ord. 1240-00, 6/12/2000, §205; as amended by Ord. 1357-08, 12/8/2008)

§20-206. Ownership of Recyclable Materials.

All recyclable materials placed by persons for collection by a Borough collector or an authorized agent of the Borough pursuant to this Part shall, from time of placement, become the property of the Borough collector or authorized agent of the Borough, except as otherwise provided by §20-208 of this Part. Nothing in this Part shall be deemed to impair the ownership of separated recyclable materials by the generator unless and until such materials are placed for collection.

(Ord. 1240-00, 6/12/2000, §206; as amended by Ord. 1357-08, 12/8/2008)

§20-207. Collection by Unauthorized Persons.

It shall be a violation of this Part for any person, firm or corporation, other than a Borough collector or an authorized agent of the Borough, to collect recyclable materials placed by residences for collection or for another collector to collect recyclable materials placed by commercial, municipal and institutional entities. In violation hereof, unauthorized collection from one or more residences or commercial, municipal and institutional establishments on one calendar day shall constitute a separate and distinct offense punishable as hereinafter provided.

(Ord. 1240-00, 6/12/2000, §207; as amended by Ord. 1357-08, 12/8/2008)

§20-208. Recycling Operations; Permits Required.

1. Any generator thereof may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not; provided, however, that the receiving person, firm or corporation shall not collect such recyclable materials from the collection point of a residence unless it is either a Borough collector or an authorized agent of the Borough.
2. In order to become an authorized agent of the Borough, haulers collecting recyclable materials within the Borough must procure an annual permit from the Borough and must provide proof of liability insurance with minimum coverage in the amount of \$1,000,000. The fee for the annual permit shall be set from time to time by resolution of the Borough Council.
3. The following specialty items may be collected by a collector other than a Borough collector or authorized agent of the Borough:
 - A. Paper to be shredded on site by a commercial shredding company.
 - B. Electronic equipment.

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4. All collectors of recyclable materials must weigh all items collected and file a report setting forth the weight of the recyclable materials collected on a form to be developed by the Recycling Coordinator.

(Ord. 1240-00, 6/12/2000, §208; as amended by Ord. 1357-08, 12/8/2008)

§20-209. Recycling of Materials.

Disposal by persons of recyclable materials with waste is prohibited and shall be a violation of this Part. Collected recyclable materials shall be taken by the collector to a recycling facility. Disposal by collectors or operators of recycling facilities of source-separated recyclable materials originating in the Borough in landfills or by burning in incinerators is prohibited. No person shall process or dispose of recyclable materials except at a recycling facility.

(Ord. 1240-00, 6/12/2000, §209; as amended by Ord. 1357-08, 12/8/2008)

§20-210. Enforcement and Administration.

1. Effective upon approval by the Borough Council, the Recycling Coordinator is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Part as deemed necessary, including but not limited to:
 - A. Establishing recyclable materials to be separated for collection and recycling by residents and additional or other recyclable materials to be separated by commercial, municipal and institutional establishments.
 - B. Establishing collection procedures for recyclable materials.
 - C. Establishing reporting procedures for amounts of materials recycled.
 - D. Establishing procedures for the distribution, monitoring and collection of recyclable containers.
 - E. Establishing procedures and rules for the collection of leaf waste.
2. Any person, firm or corporation who shall violate the provisions of this Part shall receive an official written warning of noncompliance for the first offense. Thereafter, all such violations shall be subject to the penalties hereinafter provided.
3. Except as hereinafter provided, any person, firm or corporation who or which shall violate any of the provisions of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, and costs and prosecution, for each and every offense. Municipal waste containing recyclable materials in combination with nonrecyclable materials shall not be collected.

(Ord. 1240-00, 6/12/2000, §210; as amended by Ord. 1357-08, 12/8/2008)

§20-211. Franchise or Contracts.

The Borough may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside.

(Ord. 1240-00, 6/12/2000, §211)

§20-212. Modifications.

The Borough may, from time to time, modify, add to or amend regulations adopted herewith and as authorized in §20-210 of this Part.

(Ord. 1240-00, 6/12/2000, §212)

B. Recycling Program Regulations.

§20-221. Residential Separation, Storage and Collection of Recyclables.

1. The recyclable materials listed below are the minimum materials which at this time must be separated from all other waste. Additional materials, as approved by the Borough Council by subsequent resolution, may be designated for recycling.
 - A. Glass containers: food and beverage containers made of clear, green, brown or amber glass; does not include window glass, drinking glasses, blue-colored glass, light bulbs, Pyrex, ceramics, porcelain or pottery.
 - B. Metal cans: all beverage and food cans made of aluminum, steel, tin or bi-metal (aluminum and steel).
 - C. Plastic containers: containers made of plastic, including but not limited to soda bottles, milk jugs, water bottles and detergent containers.
 - D. Newspapers: clean newsprint; does not include soiled newspapers, color comics, glossy advertising inserts, advertising inserts printed in colors other than black and white, or magazines.
2. All recyclable materials should be placed in a Borough of Gettysburg recycling bin or other such suitable container as per §20-205 of this Part that distinguishes the materials from municipal waste. Materials need not be separated. Prepare recyclables as follows:

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- A. Glass containers: remove caps and lids. Rinse container. Paper labels may be left on. Do not break glass.
 - B. Metal cans: rinse; may be flattened to save space.
 - C. Plastic containers: remove caps and rinse; may be flattened.
 - D. Newspaper: place in a paper bag or tie in a bundle.
3. Recyclable materials shall be placed for collection at the collection location for garbage and refuse in a distinctive recycling bin. Recycling bins are available at the Borough office and remain the property of the Borough, or from a Borough collector or authorized agent of the Borough, or can be purchased by the individual if approved by the Borough and its collector. Residents of apartment buildings with three or more units will have standard recycling bins in their apartments and will be expected to dump these into a larger receptacle provided by the landlord.
4. Collection will be done every week on the same day as municipal waste pickup. Residents shall not place recyclables with regular trash.

(Ord. 1240-00, 6/12/2000, §221; as amended by Ord. 1357-08, 12/8/2008)

§20-222. Separation, Storage and Collection of Recyclables by Commercial, Municipal and Institutional Establishments and at Community Activities.

1. Materials listed below are the minimum materials that at this time must be separated from all other waste. Additional materials, as approved by the Borough Council by resolution, may be recycled.
- A. Aluminum containers: empty beverage or food cans made entirely of aluminum.
 - B. Glass containers: empty bottles and jars made of clear, green, amber or brown glass; does not include noncontainer glass, plate glass, automotive glass, light bulbs, blue glass, porcelain and ceramic products.
 - C. Metal cans: all beverage and food cans made of aluminum, steel, tin or bi-metal (aluminum and steel).
 - D. Plastic containers: containers made of plastic, including but not limited to soda bottles, milk jugs, water bottles and detergent containers.
 - E. High-grade office paper: all white paper, bond paper and computer paper.
 - F. Corrugated paper: structural paper material with an inner core shape in rigid parallel furrows and ridges.

2. Establishments must arrange directly with the Borough collector or an authorized agent of the Borough for the provision of storage containers and collection. Establishment owners or managers are expected to notify employees, customers, users or tenants, in the case of apartment buildings of three or more units, of details of the recycling system as it applies to their establishment.
3. Recycling containers must be screened from view on the site of the establishment.
4. Collection shall be bimonthly or more frequently if required in writing by the Recycling Coordinator.
5. All establishments must use either the Borough collector or an authorized agent of the Borough.

(Ord. 1240-00, 6/12/2000, §222; as amended by Ord. 1357-08, 12/8/2008)

§20-223. Separation and Collection of Leaf Waste.

1. All Gettysburg Borough residents, commercial and institutional establishments must separate leaf waste for collection by the Borough.
2. Leaf waste consists of leaves, garden residue, shrubbery and tree trimmings and similar materials, but not including grass clippings.
3. Leaf waste and grass clippings may remain on residential, commercial or institutional property or be composted, provided that the materials do not harbor vermin or create odors. Otherwise, leaf waste should be placed on the curb or behind the sidewalk, but not on the street, at such specific times as designated by the Borough. Pickup will be done by the Borough at a minimum of twice per year. Leaf waste may not be disposed of in landfills or mixed with other waste but may be disposed of at a Pennsylvania Department of Environmental Protection approved composting facility.
4. Collection times will be announced each spring and fall. Several variables exist that make a definite schedule difficult. The number of residents participating in leaf collection, the volume of leaves to be picked up each day and Highway Department emergencies are unknown factors. Special collections may be announced if there is serious storm damage to trees.

(Ord. 1240-00, 6/12/2000, §223; as amended by Ord. 1357-08, 12/8/2008)

§20-224. Enforcement and Administration.

1. The Recycling Coordinator is authorized and directed to make reasonable rules and regulations for the operation and enforcement of the Borough of Gettysburg Recycling Ordinance [Part 2A] as deemed necessary. The Recycling Coordinator

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must notify the Borough Council of any proposed changes which must be approved by the Borough Council.

2. Any person, firm, or corporation who or which shall violate the provisions shall receive an official written warning of noncompliance for the first offense. Thereafter all such violations shall be subject to the penalties hereinafter provided.
3. Except as hereinafter provided, any person, firm or corporation who or which shall violate any of the provisions of the Borough of Gettysburg Recycling Ordinance [Part 2A] shall, upon conviction, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 and costs of prosecution for each and every offense.
4. Waste containing recyclable materials in combination with nonrecyclable materials will not be collected.

(Ord. 1240-00, 6/12/2000, §224; as amended by Ord. 1357-08, 12/8/2008)

§20-225. Severability.

The provisions of this Part are severable; and if any section, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Part. It is hereby declared to be the intent of the Borough that this Part would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

(Ord. 1240-00, 6/12/2000, §225; as amended by Ord. 1357-08, 12/8/2008)